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C O N F I D E N T I A L SECTION 01 OF 04 CAIRO 004519

SIPDIS

NSC STAFF FOR POUNDS

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TAGS: [PGOV](#) [KDEM](#) [EG](#)

SUBJECT: EGYPT'S POLITICAL REFORM AGENDA: MORE IN THE PIPELINE

REF: A. CAIRO 4005 (NOTAL)

[1](#)B. CAIRO 3911

[1](#)C. CAIRO 3617

[1](#)D. CAIRO 3089 (NOTAL)

Classified by ECPO Counselor John Desrocher for reasons 1.4 (b) and (d).

Summary

[1](#)1. (C) The amendment of Article 76 of Egypt's constitution, ratified by public referendum on May 25 (refs A and B), was the centerpiece of the GOE's 2005 political reform package, but not the only item on the agenda. Parliament has been debating this week a new law that will govern Egypt's first presidential elections, and is expected to pass a final version in the coming days. Also waiting on parliament's docket are revisions to the "political rights" law, with important ramifications for this fall's legislative elections. Revisions to the law governing political parties, and the laws regulating the People's Assembly and the Shura Council are also on the agenda. One provision in the revised Political Parties Law, could, if the current language holds, potentially collide with international donors' plans to offer technical assistance to political parties. It is not clear whether a new judiciary bill, demanded by restive Egyptian judges (ref D), or revisions to the penal code as it applies to journalists, proposed by President Mubarak in 2004, will be debated during the current session. The pending drafts we have examined could still change substantially before they are finalized. In any case, the bills are generally more cautious than revolutionary, and whether the proposed changes will actually constitute progress toward political reform will depend on how they are implemented. End summary.

Presidential Elections Law

[1](#)2. (SBU) Following parliament's passage in early May of an amendment to Article 76 of the Egyptian Constitution, subsequently ratified in the May 25 referendum (refs A and B), parliament has been working on a requisite law to govern the first presidential election in Egypt's history. Debate on the new law in a plenary session of the Shura Council was televised on the GOE's Nile News channel on June 13. Once approved by the Shura Council, the bill will move to the People's Assembly for further debate and final passage.

[1](#)3. (SBU) Among the significant features of the bill are that it:

-- Specifies a ten-member electoral commission to supervise the presidential election - composed of three senior judicial officials - (the Heads of the Supreme Constitutional Court, the Court of Cassation, and the Supreme Court of Appeals, respectively); and five "nonpartisan" members of the public, to be nominated by the parliament, and representatives of the ministries of Interior and Justice;

-- Imposes campaign spending limits (and partial public finance of campaigns);

and

-- Mandates equal access to state media (although it also states that if one of the candidates is an incumbent president, coverage of the performance of his official duties will not be counted as campaign coverage);

[1](#)5. (SBU) Opposition members of parliament and opposition party newspapers have been vocal in their criticisms of the bill. They complain that the final composition of the electoral commission is to be defined in a Presidential Decree, thus giving the executive a de facto veto over any commission member. They have argued that the media access rules will prove meaningless and unenforceable.

[1](#)6. (C) Perhaps most significantly, critics have complained that the law is silent on the question of a presidential

candidate's military service. The issue of military service is widely seen as a stealth weapon against Presidential son and potential successor Gamal Mubarak, who may or may not have performed his military service "on paper" (as many well-connected Egyptian sons have done) but clearly can not point to a credible military career as one of his patriotic credentials.

Political Rights

17. (SBU) Following the Presidential Elections Law, the next bill parliament is expected to take up, probably during the week of June 20, is a draft revising various provisions to law 73/1956 - the "Political Rights" law. The new bill calls for the establishment of an election commission charged with overseeing elections for the national legislature. The current draft of the bill calls for a ten-member commission to be composed of three sitting judges and five non-partisan members to be named by the Shura Council, of whom two should be retired judges, and representatives of the Ministries of Justice and Interior. The bill also specifies the mandate of the commission, which includes setting the rules for establishing and updating voter lists, setting rules for regulating campaigns, and rules for processing and announcing election results. The bill also stiffens penalties for those convicted of election-related crimes and penalties for those who cast multiple votes. To combat multiple voting, the bill calls for the application of indelible ink to voters' fingers.

18. (SBU) Critics of the bill have complained that, like the presidential elections bill, the draft leaves a de facto veto of the composition of the electoral commission in the hands of the executive. Opposition critics also complain that while the commission "sets the rules" for the regulation of elections, the actual conduct of key electoral functions, like the maintenance of voter lists, remains in the hands of the Ministry of Interior.

Political Parties

19. (SBU) Parliament will also be taking up revisions to Law 40/1977, which regulates political parties. The bill currently in circulation increases the number of members required to form a new party from 50 to 1000 (a requirement clearly intended to discourage the proliferation of "paper parties") and expunges outdated references to "the principles of the 1952 revolution" and the "protection of socialist achievements." The bill also expands the composition of the Shura Council's Political Parties Committee, which reviews and approves or rejects license applications by prospective new parties - by adding six members of the public, three of whom should be retired members of the judiciary.

110. (SBU) Another significant feature of the bill is a change in procedure for reviewing prospective new parties' license applications: Prospective new parties would be able to consider their submitted applications approved if, after 90 days, they are not officially rejected.

111. (C) The issue of "foreign funding," a perennial hot topic in Egyptian politics, is also addressed in the Political Parties bill, with an explicit prohibition of parties' acceptance of "any donation, privilege or benefit from any foreigner" (including Egyptian dual nationals) "...or any foreign body or international body." (Comment: This provision, if it holds in the final draft, could collide with the intent of the USG and other international donors to take up projected activities such as non-partisan political party strengthening. End comment.)

112. (SBU) The bill offers GOE funding of LE 100,000 (about USD 17,000) to each party, plus LE 5000 (about USD 860) for each parliamentary seat won by a party, to a maximum of LE 500,000 (about USD 82,000) for each party.

113. (SBU) Critics in the opposition complain that the executive will continue to have too much influence over the Political Parties Committee, and also complain that the bill does not change the article in the law stipulating that no party can be licensed unless it offers a "unique and distinct program that enriches political life." This provision, that new parties' programs must significantly differ from those of existing parties, is the most commonly cited cause for rejection of a license application.

Parliamentary Affairs Laws

114. (SBU) Also on the docket for this parliamentary session are laws (one each for the People's Assembly and the Shura

Council) that govern the conduct of members of parliament and qualifications required to hold a seat. On qualifications, the draft maintains the requirement (of those born before 1970) that they be able to read and write, but imposes an additional requirement of an elementary education certificate for those born after. According to the new draft, candidates may not use places of worship, schools, or universities as campaign venues. The law also explicitly forbids candidates from accepting funds from abroad, including funds from Egyptians living abroad. The bill also increases the bonus provided to members of parliament and an additional bonus for the speakers of the People's Assembly and the Shura Council.

15. (SBU) Critics charge that the low standard of "literacy" imposed on members is intended to protect members from rural areas who contribute little to the legislative process but who can be counted upon for their slavish loyalty to the regime. Critics have also attacked the provision in the bill in which members award themselves a pay raise, given the dubious performance (they claim) of many parliamentarians, particularly those with a penchant for absenteeism.

Judicial, Press Bills May or May Not Appear

16. (SBU) Parliament watchers remain uncertain whether revisions to laws governing the judiciary and proposed revisions to the penal code as it applies to the press, will be presented during the current legislative session. As reported ref D, thousands of Egyptian judges grew restive this spring, demanding various changes to the existing law that they argued would augment their independence, including an expansion of their autonomy and authority as electoral supervisors. The judges even threatened to abstain from their electoral supervision duties if their demands were not met.

17. (C) Justice Minister Mahmoud Aboul Leil appeared by late May to have succeeded in at least partially defusing the judges' "revolt" by convincing (or coercing) thousands of judges to sign a document affirming their intent to fulfill their obligations as electoral supervisors. Some speculated that the Justice Ministry would also move forward with new legislation which addressed some of the judges' complaints, although as of mid-June there were still no signs that a new judicial bill had been drafted or would move forward in the current legislative term.

18. (SBU) In early 2004, President Mubarak called for revisions to the press law to eliminate jail terms from the range of penalties that could be imposed upon journalists found guilty of libel. The President's call was met with a warm welcome by many observers, particularly in Egypt's media sector, who hailed the move as an important political reform step. The warm feelings had evaporated by mid-2005, however, as the GOE had still taken no steps to implement the President's directive and journalists continue to be sentenced to jail.

19. (C) The GOE's reaction to recent case in which three journalists with the liberal daily Al-Masry Al-Youm were convicted of libel and sentenced to jail suggests that the government is embarrassed by its failure to act. Al-Masry Al-Youm's publisher told us that a senior GOE contact had called him shortly after the verdict and urged that the three promptly file an appeal. Once filed, the appeal was promptly granted, and the three were never imprisoned. Parliament watchers have continued to await word of a bill that would revise the penal code in accordance with Mubarak's 2004 announcement, but as of mid-June there were no signs such a bill would be forthcoming.

Comment

20. (C) As is generally the case with political reform steps taken by the GOE, drafters of the pending political bills have exercised caution and left significant room for maneuver, in either progressive or regressive directions, to those who will implement the future laws. Should GOE decision makers so choose, many of the proposed changes could have sweeping impact. For example, the establishment of truly independent electoral commissions, if granted adequate latitude and authority over the process, could go far toward eliminating the fraud and manipulation that has characterized previous elections. On the other hand, should other provisions be narrowly interpreted, many of the changes proposed could actually be regressive. The prohibition on political parties' acceptance of "any benefit" for any foreign entity, for example, could theoretically be invoked to block international donors' plans to offer technical assistance (on a non-partisan basis) to political parties in the context of efforts to promote democratic institution building. In either case, it is too early to draw

conclusions: Experience has demonstrated that the bills currently in circulation could still undergo many important changes before they become law.

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